

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

JIMI CARTER)	
Claimant)	
VS.)	
)	Docket No. 239,816
GREAT BEND PACKING COMPANY, INC.)	
Respondent)	
AND)	
)	
TRAVELERS INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Respondent appeals from the Award of Administrative Law Judge Bruce E. Moore dated August 24, 1999. Oral argument was held on December 21, 1999.

APPEARANCES

Claimant appeared by his attorney, Robert A. Anderson of Ellinwood, Kansas. Respondent and its insurance carrier appeared by their attorney, Orval B. Mason of Arkansas City, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The record and stipulations set forth in the Award of the Administrative Law Judge are adopted by the Appeals Board.

ISSUES

- (1) Did claimant suffer accidental injury on October 31, 1998?
- (2) Did claimant's alleged accidental injury arise out of and in the course of his employment?

- (3) Did the Administrative Law Judge improperly shift the burden of proof to respondent?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the entire evidentiary record filed herein, the Appeals Board finds the Award of the Administrative Law Judge should be affirmed.

The Appeals Board finds that the Award of the Administrative Law Judge sets out findings of fact and conclusions of law in significant detail and it is unnecessary to repeat those herein. The Appeals Board adopts the findings and conclusions of the Administrative Law Judge as its own as if specifically set forth herein.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Bruce E. Moore dated August 24, 1999, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of February 2000.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Robert A. Anderson, Ellinwood, KS
Orval B. Mason, Arkansas City, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director